



The First Man Arrested Under the New Excise Law.

are determined to test the
roughly."

In the absence of Corporal Scott, who is in Albany, no assistants would speak official action the police would be as if the hotel men were down by the vice.

One of them... case would undoubtedly be next Sunday or not would remain an open question until Mr. Scott had prepared his opinion.

Many of the large table d'hôte establishments uptown are located in old-fashioned dwelling houses, the upper parts of which contain a sufficient number of rooms for a hotel. The proprietors of such of these as are conducted under restaurant licenses propose to remodel the upper floors of their establishments so that sleeping apartments for guests will take the place of store-rooms and servants' rooms, and, thus equipped, to obtain a hotel license if the issue raised by the Hotel Members' Association is decided in their favor.

FIRST ARREST IS MADE.

Police Take F. W. Colwell Into Custody for Violating the New Excise Law.

The District-Attorney's office was thrown into a state of consternation yesterday by the filing of a number of affidavits containing charges of excise violations and arrests made under the provisions of the new Raines bill.

Frank W. Colwell, of No. 50 West One Hundred and Fourth street, was the first victim to come under the watchful eye of the police, and the complaint against him, which is in the nature of an affidavit, reads as follows.

Thomas R. Richards, assigned to duty as patrolman in the Twenty-sixth Precinct, being duly sworn, deposes and says: That on the 30th day of March, 1896, at the hour of 7:40 p. m. he arrested Frank W. Colwell, of No. 50 West One Hundred and Fourth street, for violation of Chapter 112, Laws of 1896, known as the Liquor Tax Law.

That the circumstances of such arrest were as follows: Frank W. Colwell sold to Patrolman Thomas R. Richards of the Twenty-sixth Precinct, a bottle of porter for twenty-five cents on Sunday, March 29, 1896, at 9:30 p. m.

The affidavit was signed by Richards and sworn to before James Lynch, Sergeant of the Twenty-sixth Precinct.

As soon as the complaint reached the District-Attorney's office a consultation was called between Colonel Fellows and his assistants, and the law carefully investigated. It was ascertained that under sections 37 and 38 it was made the duty of the District-Attorney to forthwith prosecute any person who violates any provision of the act, with a penalty of \$500 in each case for any neglect or refusal on his part to do so. He may also be removed from office by the Governor after a hearing and decision that such neglect or refusal has occurred, and any citizen may prefer charges to the Governor under this section.

Instructions were given to the Assistant District-Attorney's by Colonel Fellows to present each case to the Grand Jury as it reached the office, and those on file will be handed in to-day for action by the Grand Jury.

The facts in Colwell's case are very peculiar. He is the proprietor of a restaurant and serves table d'hôte meals. His place was formerly known as the Riverside Club. Policeman Richards, who has been on the force only three months, walked into the restaurant Sunday night and ordered a meal, and with it a bottle of porter, which was served and disposed of by Richards.

He made no arrest then, and said nothing about the matter until Monday when he informed Captain Schmittberger, of the One Hundredth Street Station. He was reprimanded by the Captain, who told him that he would prefer charges against him for

HERE REACHED BY EGLAU DETECTIVE.

Coroner's Jurors Decide That "a Person or Persons Unknown" Are Guilty.

Professor Elmendorf's Strange Testimony of Wounds Made on the Body After Death.

FROMME AND GREENE QUARREL.

The Lawyer for the Fitzgerald Boys Accuses the Instructor with Having Secretly Spread Suspicion Against the Boys.

The police of the East Sixty-ninth Street Station and Headquarters detectives, who have been investigating the Eglau murder, admitted before Coroner Fitzpatrick yesterday that they had not discovered a single clew.

The inquest had been adjourned several times at the request of the police and the District-Attorney's office, but it did not take place yesterday. Eleven jurors, each of whom was supposed to be above the average intelligence, had been summoned. They began hearing testimony in the Criminal Court Building at 11 a. m.

Captain Casey, who commands the East Sixty-seventh Street Station, was the first witness. He knew nothing, however beyond the fact that he had been informed of the murder on the day of the occurrence and had hurried over to the Deaf and Dumb Institute.

Cornelius Westerfield, engineer of the Institute, testified that although his engine room was on the same floor as the place where Professor Eglau's pocketbook was found three days after the murder, he had never seen any one coming down the staircase on the day of the murder, particularly between the hours of 12 and 1 o'clock, when the crime was committed.

In the stories previously published, it was stated on the authority of Professor Eglau's daughter and her husband that her father had not been paid for the month of December, as he had been ill. William H. Blauvelt, bookkeeper of the Fifth Avenue Bank, was called, and he proved that no check had been issued to Eglau for the month of December. He showed the checks for the month preceding and subsequent.

SAID THE CHECK WAS FORGED. Lawyer Fromme, who was defending the Fitzgerald boys, after seeing the signatures, said that the check for the November salary was not like the others. That it had in fact been forged by some one.

Herman Mosenthal, secretary of the Deaf and Dumb Institute, who drew the checks, produced his account book. Instead of Professor Eglau signing the book for his salary for November, as was customary, Mr. Fromme found a printed receipt pasted in the book. The lawyer insisted that the signatures were not the same. Mr. Mosenthal did not know where he had procured the receipt. He had found it, he said, among a lot of papers in his desk, and as

it was murder habits. Lawy whereu objected "I wa yer Fro Fitzgerald "When ing up. "No h so," ans sult, the a Police laughed full inve not want the back.

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NO MORE

Mr. Platt Thinks ti Star

Thomas C. Platt

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nator Daley to Hudson is de- suitable to its be reported. It e necessary, as cases. Senator is all right as it ks, and that it er with it until it needs amend- seems to be not gain under any

BREWERS.

man Bondy an- ot push his bill ense for places

Much was ex- in the way of lealers who sell Bondy says that the bill in good it he could get it s it, the brewers it enacted. He om their associa- he bill as an ade- dey demand a li- the rate provided also the privilege the Summer re- demands is plain- the present Legis- not try further to of the new Excise

he Capitol to-day who was in the a bill abolishing free lunches now s bill. Mr. Allds,

Horace H. Brockway, vice-president of the association, said last night:

"Section thirty-one of the Raines law says clearly that the licensed 'keeper of a hotel may sell liquor to the guests of such hotel, except to such persons as are described in clauses one, two, three, four and five of section thirty of this act, with their meals, or in their rooms or apartments therein, but not in the barroom or other similar room of such hotel the term hotel, as used in this act, shall mean a building or place which is regularly kept open for the feeding and lodging of guests, and in which there shall be at least ten furnished bedrooms for their occupancy."

DEFINITION OF GUEST.

"Now, our contention is, and in it we are supported by the opinion of several lawyers of recognized high standing, that a 'guest' is a person who patronizes for either food or lodging, not at all necessary that engage a room in order 'guest,' nor is it a register should be House, of which

"In the regular dining room of my hotel, I serve table d'hôte meals, and that branch is also patronized by persons who lodge in buildings entirely disconnected from the hotel, but who have been table boarders with me here for many years. They are guests of the hotel and I shall continue to give them whatever is in the hotel that they may elect to purchase in the way of food and drink, just as freely and openly on Sunday as I do on other days.

"Furthermore a person who patronizes the dining room or the public restaurant of a hotel is entitled to be served with wines, liquor or beer in connection with that meal on Sunday, whether it is the first or one thousand and first that he or she has been a patron of the place. Suppose, for instance, that a man leaves Philadelphia Sunday morning bound for Boston via New York. He will arrive here before noon, but cannot leave for Boston until 3 o'clock afternoon. That man has a right to the hospitalities of a hotel he d to pay for. To deny him accommodations would be